IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 6768 OF 2005 .

Nilesh Vijaykumar Mehta & ors. ... Petitioners.
V/s.
Vidya Sahakari Bank Ltd. & ors. ... Respondents.

Mr.Sandeep Parikh i/b Pankaj Rajmachikar for the petitioners.

Mr. N.P. Deshpande for reespondent No.1.

CORAM : V.C.DAGA, J.

DATED : 8.3.2006.

P.C. :

. Heard learned Counsel for the petitioner.

. During the course of hearing, it transpired that Writ Petition No. 8627/2004 was allowed to be withdrawn by the Division Bench by order dated 29.11.2004, permitting the petitioner to approach the Assistant Registrar, Co-operative Societies. Accordingly, petitioners approached the Assistant Registrar. However, the Assistant Registrar declined to hear the petitioner on the ground that the suit has been disposed of by an order dated 4.11.2004. Taking this view application appears to have been decided by the Assistant Registrar and communicated to the petitioner by letter.

. The letter of the Assistant Registrar intimating his inability to hear the petitioner is

the subject matter of challenge in this petition filed under Article 227 of the Constitution of India.

. It is needless to mention that when proceedings were not pending before the Assistant Registrar it was impossible for him to hear the petitioner.

. In the above backdrop, no fault can be found with the impugned order. However, it would be open for the petitioner to challenge the order in an appropriate forum whereby suit or proceedings itself were disposed of.

. Petition stands dismissed in limine in terms of this order with no order as to costs.

(V.C.DAGA,J.)